

Report of the Head of Planning & Enforcement

Address 6 ELM LAWN CLOSE UXBRIDGE

Development: Part two storey, part single storey side and rear extension and conversion of roof space to habitable use to include 3 rear, 3 side and 1 front rooflight involving demolition of existing single storey outbuildings to rear (Part Retrospective application).

LBH Ref Nos: 25819/APP/2010/179

Drawing Nos: 0914/2A
0914/01A
0914/03E
0914/04D
0914/05C

Date Plans Received:	01/02/2010	Date(s) of Amendment(s):	01/02/2010
Date Application Valid:	08/03/2010		18/02/2010
			03/05/2010

1. CONSIDERATIONS

1.1 Site and Locality

The site is situated on the west side of Elm Lawn Close and is adjacent to the Metropolitan/Piccadilly railway line (southern boundary). The site comprises a detached property with a carport, garage and outbuilding on the northern flank boundary and a deep single storey flat roof extension on the southern boundary. The frontage has been laid to hard-standing and provides off street parking for 2+ cars. The property forms part of a small close of 6 houses and is within the 'developed area' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies, September 2007).

1.2 Proposed Scheme

The application seeks retrospective planning permission for the erection of a two storey side extension, and part two storey, part single storey and part first floor rear extension. The application is in effect a revised application to a previously approved scheme. An existing side car port would be demolished. The two storey side extension would be 1.6m wide and would be 9.6m deep, with a maximum rear projection of 4m. This rear 4m projection would then wrap round the rear of the existing property (at this depth) to provide a full width two storey extension. The remaining area between the existing single storey rear extension and garage building would be filled with a single storey rear extension. This would be 4m deep and 4.4m wide and would be finished with a flat roof at the same height as the existing garage building.

1.3 Relevant Planning History

25819/78/1692 6 Elm Lawn Close Uxbridge
Householder development - residential extension(P)

Decision Date: 22-11-1978 Approved **Appeal:**

25819/A/95/0693 6 Elm Lawn Close Uxbridge
Erection of a single storey rear extension

Decision Date: 18-07-1995 Approved **Appeal:**

25819/APP/2008/3421 6 Elm Lawn Close Uxbridge

Two storey side extension and part two storey part single storey rear extension (works involve the demolition of a side car port)

Decision Date: 09-02-2009 Approved **Appeal:**

Comment on Planning History

25819/APP/95/0693, gave approval for an 8.5m deep single storey flat roof rear extension.

This application relates to a revised application for an approved scheme (25819/APP/2008/3421), and seeks retrospective approval, for alterations that have been constructed which are not in accordance with the approved plans.

The alterations to the approved scheme are as follows -

1. The finished roof height to the main dwelling has been increased by 0.3m
2. The inset kitchen extension has now been increased to the full depth of the existing lounge extension
3. The existing store 'to be retained' has been reconstructed, using the same footprint and is now shown to be habitable accommodation, ie extended kitchen area/utility room
4. 8 roof lights have been added, 2 to the front, 3 to the rear, 1 facing the neighbouring property, and 2 facing the railway line.
5. The ground floor window facing the adjacent property has been enlarged, and an additional window has been inserted at first floor level.
6. The fenestration details have been altered on the rear elevation
7. On the south elevation (facing the railway line), one window at first floor and 3 windows at ground floor have been inserted.

It should be noted, the application as submitted, showed a pitched and hipped roof to all of the single storey side and rear elements, and has been constructed in this manner. However, following officer advice, in order to avoid an unfavourable recommendation, amended plans have been received which now show these elements finished with a flat roof.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

Cllr. G E Cooper has requested this application be passed to the South and Central

Planning Committee for determination.

4 Neighbours were consulted, and two responses have been received which make the following comments -

1. The single storey extension has been built too close to our boundary, which means the guttering will overhang my property. If the guttering gets blocked it will result in excess water draining into my garden

2. There is a window on the second floor which will reduce my privacy.

3. The plans show 6 bedrooms - however, there is another bedroom on the ground floor.

4. The garage has been demolished and there is only parking for three vehicles on the frontage, I have strong concerns about this as the access to my driveway faces the front of number 6.

5. The plans show rear and side roof lights, although a lounge is shown in the loft area without a window, if a further roof light is proposed I will be overlooked

Officer comments - Point 1 -The single storey rear extension has been amended and now shows a flat roof and it is recommended that an informative should be added to any permission issues to state that the development must not encroach on the neighbouring property. Point 2 -The side facing windows are to serve en-suite accommodation and therefore could be conditioned to be obscure glazed and non-opening below top vent. Point 3 -the difference between providing 6 or 7 bedrooms would not be a material factor in the determination of this planning application. Point 4 - The adopted parking guidelines for the Borough require 2 off street parking spaces should be provided. Point 6 - revised/amended plans have been received which show a roof light in the front elevation, however, it is considered this opening would not result in a material loss of privacy having had regard for the existing first floor openings in the original property and the distances involved.

North Uxbridge Residents' Association: No response has been received

MOD Safeguarding: No safeguarding objections

London Underground: No response has been received.

NATS: No safeguarding objections

MOD Defence Estates Safeguarding (Northolt): No response received.

Highways Engineer: The previous application which was identical in highway terms, stated - that this application can be supported on Transportation grounds, The proposed plans indicate that there will be sufficient hard-standing to park two vehicles off street once the use of the garage has been removed

4. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM14	New development and car parking standards.
HDAS	'Residential Extensions'
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

5. MAIN PLANNING ISSUES

The main considerations are design and impact upon the dwelling and wider locality, the impact upon the amenities of adjoining occupiers, and car parking considerations.

It is considered that the proposal as amended would not cause an unacceptable loss of light or outlook to adjoining occupiers. The main property to be affected by this development would be No. 5 Elm Lawn Close (the neighbouring property). With regard to the depths of the proposed rear extensions; the single storey ancillary buildings on the side shared boundary would be reconstructed using the same foot print and therefore would not result in the worsening of the existing site situation; the first floor extension would be 4m deep which would comply with the SPD: Residential Extensions, which states it should not exceed this depth; and whilst the ground floor would be nearly 8m deep, it would not protrude past the existing built development to either side. The two storey side/rear extension would be situated 1m away from the shared boundary, and due to the rear wall of that neighbouring property turning away from the application site, the proposal would not project beyond a 45° line of sight from this neighbouring properties habitable room windows. As such, it is not considered the development would materially affect the residential amenities of that property to below a level they could reasonably expect to enjoy. Therefore this proposal is considered to comply with policies BE20 and BE21 of the UDP (Saved Policies, September 2007).

With regard to loss of privacy, it is not considered the proposal would have an adverse effect on the amenity of adjoining residents. The additional windows shown in the flank elevation facing south would look out over the railway line and in relation to those facing No. 5, would be to serve either en-suite accommodation or would be a secondary opening to a habitable room (the roof light) and therefore could be conditioned to be obscure glazed and non-opening below top vent to avoid any future overlooking concerns. With regard to the additional roof lights proposed in the front elevation, it is not considered a loss of privacy would result having regard to the existing first floor openings in the original property and the distances involved. However, as an area of flat roof is proposed on the single storey rear extension, it is recommended that any permission issued has a condition attached restricting the use of that area to provide a balcony. As such, this proposal is considered to accord with Policy BE24 of the UDP (Saved Policies, September 2007) and with HDAS Supplementary Planning Document: 'Residential Extensions'.

It has been considered, that all the proposed habitable rooms, and those altered by the development still maintain an adequate outlook and source of natural light, therefore

complying with Policies BE20 of the UDP (Saved Policies, September 2007) and 4A.3 of the London Plan (2008).

With regard to the design and appearance of the proposal, these were considered as part of the original consented scheme which provided for the following comments:

"The two storey side extension - the SPD section 5.1 states, this type of extension should be set away a minimum of 1 metre from the side boundary for the full height of the building. Where single storey extensions are being retained within 1m of the boundary, the extension should be set back by 1.5m. This is to protect the character and appearance of the street scene and protect the gaps between properties. For the most part, the two storey side extension would comply with this advice. Whilst a side car port is being demolished, an existing garage is being retained and shown to be converted to habitable use. However, this would be to the rear of the proposed extension, for a depth of 2.4m along its side. In order to strictly comply with guidance, the extension here should be set back at first floor level for 1.5m from the side boundary, but given the garage is set back from the front of the property by nearly 8m, this would be of little or no benefit to the street scene.

This property is a detached dwelling and section 5.7 of the SPD, states two storey side extensions can be fully integrated into the existing property, however this property has a two storey forward facing gable and it has been considered that the front wall of this addition should be set back and not align with the front wall of the gable projection. This reduces the visual bulk of the proposal and retains the proportion of the gable. Section 5.10 of the SPD: Residential Extensions states in order for an extension to appear subordinate the width of the extension should be within ½ to 2/3 of the main house, and at 1.6m wide (the original property is 6.95m wide) would comply with this advice.

With regard to the design of the two storey rear extension, this element would comply with the advice in section 6.4, regarding the maximum depth of 4m (it would be 4m), and although would not be set down from the host dwelling, having a large crown roof, and overall, the extension would significantly increase the bulk of the house. However, given the secluded location of the property, the size and design of the extension is not considered to be so incongruous as to warrant a refusal of the application.

The single storey rear extension would be 6.9m deep, and whilst this would exceed the depth guidance in the SPD: Residential Extensions, which states (Section 3.3) that a single storey rear extension to a detached property should be a maximum of 3.6 metres deep, it is considered this would be an infill extension that would be flanked by an existing deeper extension on the south side and by a single storey ancillary buildings on the northern side. As such, it is not considered that this addition would cause any further harm to the original building, and this additional depth would not warrant the refusal of planning permission on these grounds alone. The roof would be flat and would match the height of the existing garage building, integrating these elements together. The proposed door and window would reflect the proportions and style of the existing property, and therefore comply with section 3.11 of the SPD: Residential Extensions."

The differences between this previously approved scheme and the current application have been considered as follows -

* The finished roof height to the main dwelling has been increased by 0.3m, however, due to the sites location, at the end of a small cul-de-sac, and the proximity in relation to the

other dwellings in the street, it is not considered this additional height has a material impact or has an adverse affect on the street scene or the wider area, and therefore would be considered acceptable.

* The inset kitchen extension has now been increased to the full depth of the existing lounge extension (8m), however it will not protrude past the existing extension on the original dwelling, and would now use the same building line. It is considered be a well integrated addition.

* The existing store `to be retained' has been reconstructed, using the same footprint and is now shown to be habitable accommodation, a extended kitchen area/utility room, as the foot print has not been enlarged. It is not considered to result in the worsening of an existing site situation and therefore would not warrant the refusal of planning permission.

* The additional window openings have all been discussed above, and are considered acceptable, subject to suitable safeguarding conditions.

* The proposed pitched and hipped roof to all of the single storey side and rear elements, have now been removed from the scheme and amended plans have now been received which show these elements finished with a flat roof, as per the original approval. Therefore it is recommended if a permission is to be issued, the removal of this existing pitched and hipped roof is required to be carried out within 3 calendar months of the date on the permission.

It is considered that the proposed alterations to the approved extensions would not materially harm the existing house or wider street scene and therefore would not warrant the refusal of planning. As such, the proposal is considered to comply with policies BE13, BE15, BE19 and the BE22 of the UDP (Saved Policies September 2007) and to the HDAS Supplementary Planning Document: Residential Extensions.

The site currently has adequate off street parking on the frontage, and therefore the proposal would comply with policy AM14 of the UDP (Saved Policies, September 2007).

A garden of more than 100 sq m would be retained and therefore it would comply with BE23 of the UDP (Saved Policies September 2007).

The proposal is recommended for Approval.

6. **RECOMMENDATION**

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

Subject to the constraints of condition 2, the development hereby permitted shall be begun before the expiration of 4 Months from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 and to ensure that in the interests of securing development in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) there is not an

accumulation of un-implemented planning permissions.

2 NONSC Regularisation Condition

The existing pitched roof above the ground floor rear extension, including the store, utility room, and extension to the kitchen and lounge (ground level), shall be demolished and replaced with a flat roof, all equipment and materials brought onto the land for the purposes of such use and all materials resulting from the demolition shall be removed within 4 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

(i) A timetable with no longer than an aggregate 3 month period from the date of the local planning authority's approval of the timetable to the last day for the substantial completion of the development permitted by this decision notice shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this notice of planning permission;

(ii) If within 4 months of the date of this planning permission the local planning authority refuse to approve or do not determine the timetable within the prescribed period a valid appeal shall have been made to the Secretary of State;

(iii) If an appeal is made in pursuance of (ii) above, the appeal shall have been finally determined and the submitted timetable shall have been approved by the Secretary of State;

(iv) The development, including the demolition of the existing pitched roof above all portions of the rear ground floor extension, shall have been carried out and completed in accordance with the approved timetable.

REASON

The planning permission is intended to remedy a current breach of planning control. In the interests of the proper planning of the area the authority is of the view that the remediation of the breach of planning control and the implementation of this planning permission should take place as expeditiously as reasonably possible.

3 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 M2 External surfaces to match existing building

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 5 Elm Lawn Close.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 RPD2 Obscured Glazing and Non-Opening Windows (a)

The windows in the walls and roof slopes facing 5 Elm Lawn Close shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 RPD4 Prevention of Balconies/Roof Gardens

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 OM1 Flat roof to single storey element

The pitched and hipped roof structure of the single storey rear extension shall be removed and replaced with the flat roof, as shown in the amended plans, No. 0914/03E, 0914/04D, 0914/05C received on the 03/05/2010. This shall be carried out within 3 calendar months of the date of this permission.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE20 and BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

Standard Informatives

- 1 The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14

(prohibition of discrimination).

- 2 The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Policy No.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM14	New development and car parking standards.
HDAS	'Residential Extensions'
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

- 3 You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.
- 4 You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.
- 5 Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

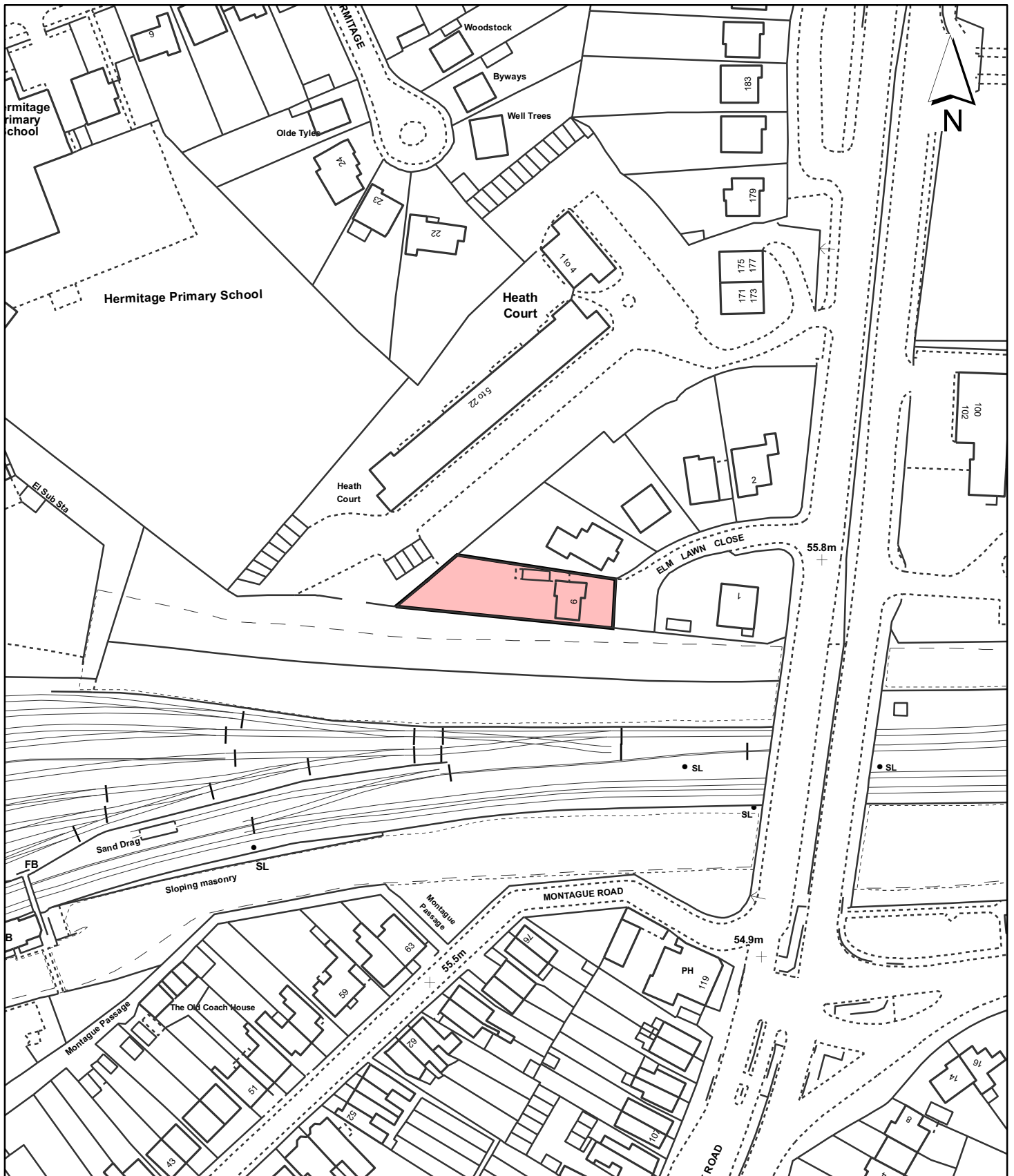
- 6 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).
- 7 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.
- Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.
- 8 Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
- 9 Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -
- A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays Bank and Public Holidays.
 - B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.
 - C) The elimination of the release of dust or odours that could create a public health nuisance.
 - D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.


- 10 You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.
- 11 To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO₂) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
- 12 You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**6 Elm Lawn Close
Uxbridge**

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:

25819/APP/2010/179

Scale

1:1,250

Planning Committee

Central and South

Date

May 2010



HILLINGDON
LONDON